

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD DIVISION**

**JAMES E. GRAHAM II; DENNIS ADKINS;
ROGER WRISTON; and DAVID B. POLK;
on behalf of themselves and
others similarly situated; and
UNITED MINE WORKERS OF AMERICA
INTERNATIONAL UNION,**

Plaintiffs,

v.

CIVIL ACTION NO. 1:19-cv-00597

**JUSTICE ENERGY CO. INC.;
KEYSTONE SERVICE INDUSTRIES, INC.;
BLUESTONE COAL CORPORATION;
DOUBLE-BONUS COAL CO.; and
SOUTHERN COAL CORPORATION,**

Defendants.

JOINT STATUS REPORT

On August 28, 2020, the parties in the above-captioned case filed a “Joint Status Report.” In that Report, the parties represented to the Court that most, if not all, claims for unpaid medical bills had been informally resolved. The parties asked for additional time to allow counsel for Plaintiff’s counsel contact all Plaintiffs in this matter by mail and ask them to confirm or dispute whether their claims have been paid. The parties agreed to provide the Court with another status report by October 2, 2020.

Without waiving any claims or defenses, the parties believe that this informal process continues to bear fruit and the parties have continued to make progress in resolving claims.

Plaintiffs’ counsel received reports from a small number of Plaintiffs regarding outstanding claims. Plaintiffs’ counsel forwarded these claims to Defendants for resolution. The parties request additional time to allow counsel for the Defendants to review the forwarded claims and

either process them for payment or dispute them. Once Defendants have completed their review, but no later than November 6, 2020, the parties will submit another status report. At that time, the parties believe that they will have resolved, or be very close to resolving, all of the claims for unpaid medical bills that existed on or before the date this suit was filed.

Dated: October 2, 2020

Respectfully Submitted,

/s/ Kevin F. Fagan

Kevin F. Fagan, Esquire - WVSB No. 5216
United Mine Workers of America
18354 Quantico Gateway Drive, Suite 200
Triangle, Virginia 22172
(703) 291-2425
(703) 291-2448 (fax)
kfagan@umwa.org

Timothy J. Baker – Pro Hac Vice

United Mine Workers of America
18354 Quantico Gateway Drive
Triangle, VA 22172
(703) 291-2418
(703) 291-2448 (fax)
tjbaker@umwa.org

Counsel for Plaintiffs

/s/ Chris Schroeck

Chris Schroeck, Esq. (WV Bar #13686)
302 S. Jefferson Street
Roanoke, VA 24011
Phone: (540) 492-4080, x211
Cellular: (540) 986-5354
Fax: (540) 301-1370
chris.schroeck@bluestone-coal.com

Counsel for Defendants